IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1761 OF 2005

IN

SUIT NO.1604 OF 2005

Sanjay Babu Chaudhary. ...Plaintiff

vs.

Pradip Vishwanath Panigraph and others. ...Defendants

Mr.G.H.Shukla, for Plaintiff.

None for Defendants.

CORAM: D.K.DESHMUKH, J.
DATED: 20th OCTOBER,2006

P.C.:

. Heard the learned Counsel appearing for plaintiff. This is a notice of motion taken out by the plaintiff. Affidavit of service has already been filed. Interim order in terms of prayer clause (a) is prayed against defendant nos.1,2 and 3. Perusal of the order dated 24.6.2005 shows that the Court has granted interim injunction against defendant no.3. The Court did not grant interim injunction against

defendant nos. 1 and 2 because they appeared before the Court in person and has stated that they intend to challenge the order of the Metropolitan Magistrate whereby the vehicle was given in the custody of the plaintiff. The learned Counsel appearing for plaintiff states that till this date the defendant nos. 1 and 2 have neither challenged the order of the Metropolitan Magistrate nor have they filed any reply in this notice of motion. In the absence of any reply filed by the defendant nos. 1 and 2 controverting the averments made in the affidavit filed in support of notice of motion, accepting that averments at face value, the notice of motion is granted in terms of prayer clause (a). The notice of motion is disposed of.